

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

OAH No. 2014010634

C.V.,

Claimant,

vs.

WESTSIDE REGIONAL CENTER,

Service Agency.

DECISION

This matter was heard by Humberto Flores, Administrative Law Judge with the Office of Administrative Hearings on March 4, 2014, in Los Angeles, California.

C. V. (claimant) appeared personally and was represented by her mother.

Lisa Basiri represented the Westside Regional Center (WRC or regional center).

Evidence was received and the matter was submitted for decision.

ISSUE

Where consumers have moved from one regional center's catchment area into the area of another, but those consumers do not desire to change regional centers, must their case be transferred to that new regional center?

FACTUAL FINDINGS

1. Claimant is an adult woman who had been found to be eligible for regional center services based on a seizure disorder.

2. At all relevant times, claimant has been a consumer of the Westside Regional Center. In 2011, claimant's mother bought a house located at 1215. E. 66th Street, Los Angeles, California. Claimant resides with her mother. Claimant's service coordinator became aware of claimant's relocation in September 2011. In July 2013, claimant's service coordinator opened a file to transfer claimant's case and attendant services to the South Central Los Angeles Regional Center (SCLARC). The service coordinator completed an Inter-Regional Center Transmittal – Transfer on December 5, 2013.

3. On January 9, 2014, the regional center issued a Notice of Proposed Action stating that claimant's case was being transferred to SCLARC because claimant now resides in the SCLARC "catchment area." WRC based its decision on Welfare and Institutions Code section 4620. Claimant's mother filed a Request for Hearing and a hearing was scheduled.

4. Claimant's mother testified that claimant is very happy with the services provided by WRC and would rather remain a client of the WRC. She further testified she recently sold her current house and the transaction is currently in escrow. Once the sale of the house is completed, claimant will move to Inglewood, which is the catchment area of the Westside Regional Center.

LEGAL CONCLUSIONS

1. Jurisdiction to proceed with this fair hearing was properly and timely invoked by claimant, pursuant to Welfare and Institutions Code sections 4710 and 4710.5.¹

2. Welfare and Institutions Code section 4620 states in part:

(a) In order for the state to carry out many of its responsibilities as established in this division, the state shall contract with appropriate agencies to provide fixed points of contact in the community for persons with developmental disabilities and their families, to the end that these persons may have access to the services and supports best suited to them throughout their lifetime. It is the intent of the Legislature in enacting this division that the network of regional centers for persons with developmental disabilities and their families be accessible to every family in need of regional center services. It is the further intent of the Legislature that the design and activities of regional centers reflect a strong commitment to the delivery of direct service coordination and that all other operational expenditures of regional centers are necessary to support and enhance the delivery of direct service coordination and services and supports identified in individual program plans.

¹ All statutory citations are to that Code.

3. Code section 4620, at subdivision (a), establishes that the regional centers were to be established as “fixed point[s] of contact” to enable the state to carry out its duties to the developmentally disabled, *i.e.*, persons such as claimants, and to allow those persons access to the services that are ultimately paid for by the state. That statute goes on to provide that the legislature intended that the activities of the regional centers “reflect a strong commitment to the delivery of direct service coordination” for services and supports identified in a consumer’s individual program plan. Thus, one of the key components of the entire system established by the Lanterman Act is service coordination. No provision of the law specifically bars a consumer from obtaining service coordination from one regional center while living within the “catchment” area of another. The fact that the law requires that a method of transfer be available, to prevent an interruption of services *if* a consumer moves from one area to another, does not establish that transfer is mandated if there is a move. (See Code section 4643.5.) Put another way, there is no clear bar to a consumer giving up the benefit of being closer to one fixed point of contact if another suits that consumer’s needs in a better way.

4. It is also noted that Code sections 4501 and 4502, subdivision (j), provide that consumers of regional center services have the right to make choices in all life areas, including their living arrangements and where the consumers will live. The fourth paragraph of section 4501 states in pertinent part:

Consumers of services and supports . . . should be empowered to make choices in all life areas. . . . In providing these services, consumers and their families, when appropriate, should participate in decisions affecting their own lives, including, but not limited to, where and with whom they live, . . .

5. Code section 4502, subdivision (j), reiterates that consumers have a right to choose where to live and with whom they should live.

6. Regional centers have in fact established service or catchment areas.² Apparently, this assures a “fixed point of contact” for every consumer; there are, so to speak, no “dead zones” in the state where some developmentally disabled person might not be able to identify a regional center to coordinate services for their needs.

7. Since September 2011, claimant has been residing at 1215 E. 66th Street, Los Angeles, California. The regional center did not provide a compelling reason why it cannot coordinate services for claimant within even though she currently resides the catchment area of SCLARC.


² The exact boundaries for the Service Agency were not described in this record. However, there was no dispute that claimant’s current residence is in the area served by SCLARC.

8. Absent some compelling administrative need or policy, or some issue of cost-effectiveness, the legislative policy of empowering consumer choice should take precedence, based on the facts of this particular case. No such compelling policies or circumstances are found in this case.

ORDER

The Westside Regional Center's decision to transfer claimant's file to the South Central Los Angeles Regional Center is overruled. Claimant's appeal of that determination is granted.

DATED: March 18, 2014


HUMBERTO FLORES
Administrative Law Judge
Office of Administrative Hearings

NOTICE

This is the final administrative decision. Both parties are bound by this decision. Either party may appeal this decision to a court of competent jurisdiction within 90 days.